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Chambers of Vincent L. BriccettiUNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
CHANTAL SMITH,

Plaintiff,

v.

ST. JOSEPH'S MEDICAL CENTER and  
MARGRETT CUSOMANO,  
Defendants.  
-----X**ORDER**22 CV 5231 (VB)  
1/3/2024

On August 9, 2023, the Court held an on-the-record, in-person conference. (See Doc. #24). When plaintiff failed to appear in person at the scheduled time, the Court successfully reached plaintiff by phone, and permitted plaintiff to participate in the conference telephonically.

At the August 9 conference, the Court, defense counsel, and plaintiff discussed defendants' anticipated motion for summary judgment and set a briefing schedule. The Court ordered defendants to file their motion by September 11, 2023, and plaintiff to oppose the motion by November 13, 2023. Thus, plaintiff was given two months to oppose the motion. The Court informed plaintiff she would not be provided additional time to oppose the motion.

Also on August 9, 2023, the Court issued an Order that set forth the briefing schedule in writing and informed plaintiff, in bold text, that her November 13, 2023, deadline to oppose the motion would not be extended absent compelling circumstances. (Doc. #27). During the August 9 conference, plaintiff updated the Court that her current address was 29 Streit Avenue, Poughkeepsie, New York 12603, and the August 9 Order was mailed to plaintiff at that address.

Defendants timely filed their motion for summary judgment on September 11, 2023. (Doc. #29). Defendants also filed proof that they served the motion on plaintiff at the Streit Avenue address. (Doc. #29-1).

Plaintiff did not oppose the motion by November 13, 2023. However, the Court received a letter from plaintiff dated November 13, 2023, asking the Court to accept her documents, but without attaching any documents to her letter. (Doc. #35 at ECF 2). Plaintiff's letter indicated it was sent from the 29 Streit Avenue address.

Accordingly, on November 14, 2023, the Court issued an Order extending plaintiff's deadline to oppose the motion to December 14, 2023. (Doc. #35 at ECF 1). The November 14 Order informed plaintiff that no further extensions would be granted absent compelling circumstances and was mailed to plaintiff at the 29 Streit Avenue address.

On December 19, 2023, the Court received a letter from Kelly O'Connor, a program specialist at Mel's Place Homeless Shelter, dated December 13, 2023, updating the Court that

plaintiff's mailing address had changed. (Doc. #36). However, to date, plaintiff has not opposed the motion.

Accordingly, defendants' motion for summary judgment is deemed fully submitted and unopposed, and the Court will decide the motion in due course.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: January 3, 2024  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge